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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RESEARCH IN MOTION LIMITED,
Plaintiff,
v.
VISTO CORPORATION,
Defendant.

AND RELATED COUNTERCLAIMS

Case No. C-07-3177 (MMC)
**ORDER ADOPTING WITH EXCEPTION
CASE MANAGEMENT AND DOCKET
CONTROL ORDER**

Pursuant to the Case Management Conference held on September 28, 2007, Defendant and Counterclaimant Visto Corporation (“Visto”) and Plaintiff and Counterdefendant Research In Motion Limited, Counterdefendant Research In Motion Corporation (collectively referred to as “Plaintiff”) hereby submit this Case Management and Docket Control Order.

ADR

The parties are ordered to private mediation.

Claim Construction

The parties are limited to eight (8) claim terms to be construed at the Claim Construction Hearing. The Claim Construction hearing will be held on Monday, June 16, 2007 at 9:00 a.m. Each party will have two hours to present its proposed construction. No expert testimony will be allowed, but experts may be present to advise.

Further Status Conference

A further status conference will be held on August 1, 2008 at 10:30 a.m. The parties shall file an updated joint case management statement by July 25, 2008.

EVENT	DATE
Initial Case Management Conference	September 28, 2007
Disclosure of Asserted Claims and Preliminary Infringement Contentions and Materials Identified (Patent L.R. 3-1 and 3-2)	October 19, 2007
Disclosure of Preliminary Invalidity Contentions and Materials Identified (Patent L.R. 3-3 and 3-4)	December 11, 2007
Exchange of Proposed Terms for Claim Construction (Patent L.R. 4-1)	December 21, 2007
Exchange of Preliminary Claim Constructors (Patent L.R. 4-2)	January 10, 2008
Last Day to Amend Pleadings	January 29, 2008
Joint Claim Construction and Prehearing Statement (Patent L.R. 4-3)	February 11, 2008
Completion of Claim Construction Discovery (Patent L.R. 4-4)	March 12, 2008
Plaintiff's Opening Claim Construction Brief (Patent L.R. 4-5(a))	April 17, 2008
Defendant's Responsive Claim Construction Brief (Patent L.R. 4-5(b))	May 8, 2008
Plaintiff's Reply Claim Construction Brief (Patent L.R. 4-5(c))	May 22, 2008

	EVENT	DATE
1	Claim Construction Hearing (Patent L.R. 4-6)	June 16, 2008, 9:00 a.m.
2	Claim Construction Ruling (Estimated to allow for subsequent dates to be provided)	July 16, 2008
3	Final Infringement Contentions (Patent L.R. 3-6(a))	August 15, 2008
4	Final Invalidity Contentions (Patent L.R. 3-6(b))	September 4, 2008
5	Defendant to Disclose and Produce Patent Opinions (Patent L.R. 3-8)	September 4, 2008
6	Fact Discovery Cutoff	October 17, 2008
7	Willfulness Discovery Cutoff	October 17, 2008
8	Last Day to File Motion to Compel Fact or Willfulness Discovery (Civ. L.R. 26)	October 31, 2008
9	Initial Expert Reports (based on burden of proof)	October 17, 2008
10	Rebuttal Expert Reports (based on burden of proof)	November 17, 2008
11	Expert Discovery Cutoff	December 17, 2008
12	Last Day to File Motion to Compel Expert Discovery (Civ. L.R. 26)	December 31, 2008
13	Last Day to Hear Dispositive and <i>Daubert</i> Motions	February 25, 2009
14	Joint Pretrial Order	March 10, 2009
15	Pretrial Conference	March 17, 2009; 3:00 p.m.
16	TRIAL	March 30, 2009; 9:00 a.m.
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1 DATED: October 1, 2007

MANATT, PHELPS & PHILLIPS LLP

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8 APPROVED AS TO FORM:

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DATED: October 1, 2007

KIRKLAND & ELLIS LLP

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Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, Michelle Gillette hereby attests that concurrence in the filing of this document has been obtained.

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ORDER

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It is so ordered, with the exception that the last day for hearing dispositive and Daubert motions is February 13, 2009.

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Dated: October 9, 2007

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Maxine M. Chesney
United States District Judge